

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: MDE 15/018/2004 (Public)
News Service No: 034
19 February 2004

Embargo Date: 19 February 2004 00:01 GMT

Israel/Occupied Territories: The fence/wall violates international law

On the eve of the International Court of Justice's (ICJ) opening hearing on the construction of the fence/wall by Israel, Amnesty International calls on the Israeli authorities to immediately dismantle the sections already built inside the West Bank and halt the construction of the fence/wall and related infrastructure *inside* the Occupied Territories.

The Israeli government objects to the ICJ hearing the case, claiming that the issue is "political".

"The construction by Israel of the fence/wall *inside* the Occupied Territories violates international law and is contributing to grave human rights violations. Therefore, it is appropriate that a court of law examines this matter," said Amnesty International.

On 8 December 2003 the United Nations General Assembly, exercising its power under Article 96 of the Charter of the United Nations (UN), passed a resolution requesting the ICJ to issue an Advisory Opinion on the legal consequences of the construction by Israel of the fence/wall *inside* the Occupied Territories.

The Israeli authorities claim that the fence/wall is "a defensive measure, designed to block the passage of terrorists, weapons and explosives into the State of Israel".

However, most of the fence/wall is not being built on the Green Line between Israel and the West Bank. Close to 90% of it is on Palestinian land inside the West Bank, encircling Palestinian towns and villages and cutting off communities and families from each other. It separates farmers from their land and cuts off Palestinians from their places of work, schools, health care facilities and other essential services.

"Israel's legitimate needs to secure its borders and prevent access to people who may constitute a threat to its security do not justify the building of such a fence/wall *inside* the Occupied Territories. This could be built on Israeli territory on the Green Line, where mechanisms to control entry of outsiders could also be strengthened if deemed necessary," said Amnesty International.

The building of this fence/wall inside the Occupied Territories has severe negative consequences for hundreds of thousands of Palestinians. It imposes unprecedented disproportionate and discriminatory restrictions on their movements *within* the Occupied Territories and causes other violations of their fundamental rights, including the right to work, to food, to medical care, to education and to an adequate standard of living.

"Any measure Israel undertakes in the Occupied Territories in the name of security must comply with its obligations under international law," said Amnesty International.

The route of the fence/wall has been designed to encompass more than 50 Israeli settlements in the Occupied Territories, in which the majority of Israeli settlers live and which are illegal under international law.

"The security exceptions in international law cannot be invoked to justify measures that benefit unlawful Israeli settlements at the expense of the occupied Palestinian population. The construction of the fence/wall inside the Occupied Territories is such a measure and in its present configuration it violates Israel's obligations under international humanitarian law," said Amnesty International.

International human rights and humanitarian law requires Israel, as the occupying power, to protect and ensure the rights of the Palestinian population in the Occupied Territories.

Amnesty International urges the international community to ensure that Israel fulfils its obligations under international human rights and humanitarian law, including its obligations as an occupying power under the Fourth Geneva Convention.

"Attempts to resolve the conflict between Israel and the Palestinians through political negotiations must address and ensure respect for the fundamental human rights of both populations," said Amnesty International.

The organization also reiterates its call on the Palestinian armed groups to put an immediate end to their policy of killing and targeting Israeli civilians, inside Israel and in the Occupied Territories, and on the Palestinian Authority to take urgent concrete measures to prevent attacks by Palestinian armed groups on Israeli civilians.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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